

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MARYBETH MEYER-VAN ZEELAND,

Plaintiff,

v.

Case No. 18-cv-490-pp

ADVANTECH MANUFACTURING INC.,

Defendant.

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**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT (DKT. NO. 16), APPROVING STIPULATION  
TO CONDITIONALLY CERTIFY A COLLECTIVE ACTION UNDER 29 U.S.C.  
§216(B) AND TO CERTIFY A CLASS ACTION UNDER RULE 23, GRANTING  
JOINT MOTION TO STAY CASE DEADLINES PENDING SETTLEMENT  
APPROVAL (DKT. NO. 21), AND SCHEDULING FAIRNESS HEARING**

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The parties have filed a joint motion for preliminary approval of their class action settlement, dkt. no. 16, and a joint motion asking the court to stay case deadlines pending settlement approval, dkt. no. 21. They attached the settlement agreement to their brief in support of the joint motion for preliminary approval, dkt. no. 17-1, and have explained how they reached the settlement and why they believe the settlement is fair, reasonable and adequate, dkt. no. 17. They also filed a stipulation to conditionally certify the collective action, the authorization of notice and for class certification. Dkt. No. 18.

The court **FINDS** that the settlement agreement is fair, reasonable and adequate, resolving a *bona fide* dispute between the parties. The court

**GRANTS** the joint motion for preliminary approval of class action settlement, dkt. no. 16, and **APPROVES** the joint stipulation to conditionally certify a collective action pursuant to section 216(b) of the FLSA, the authorization of notice to the putative collective action members and for class certification pursuant to Fed. R. Civ. P. 23, dkt. no. 18. The court **GRANTS** the joint motion to stay pre-trial deadlines pending settlement approval. Dkt. No. 21.

The court **APPOINTS** Marybeth Meyer-Van Zeeland as class representative of the Fed. R. Civ. P. 23 Class and the 29 U.S.C. §216(b) Collective Class.

The court **APPOINTS** Walcheske & Luzi, LLC as class counsel for the certified Fed. R. Civ. P. 23 Class and the 29 U.S.C. § 216(b) Collective Class.

For purposes of the proposed settlement, the court **CONDITIONALLY CERTIFIES** the following opt-in settlement class under 29 U.S.C. §216(b):

The FLSA Class. All persons who are or have been employed by Advantech Manufacturing, Inc. as an hourly employee between March 28, 2016 and March 28, 2018 who claim they have not been compensated for all hours worked as a result of Advantech Manufacturing, Inc.'s policy and practice.

For purposes of the proposed settlement, the court **CERTIFIES** the following settlement class under Rule 23 of the Federal Rules of Civil Procedure:

The Wisconsin Class. All persons who are or have been employed by Advantech Manufacturing, Inc. at its Wisconsin location as an hourly employee between March 28, 2016 and March 28, 2018 who claim they have not been compensated for all hours worked as a result of Advantech Manufacturing, Inc.'s policy and practice.

The court **FINDS** that the parties' Notice of Class Action Settlement, which is attached as exhibit 1 to the Settlement Agreement constitutes, valid, due and sufficient notice for distribution to the Rule 23 class, and orders that:

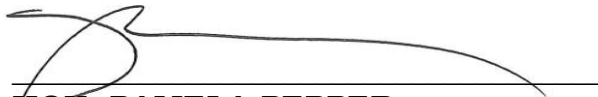
1. Class counsel shall mail the notice within ten days of the date of the order.
2. The members of the 29 U.S.C. §216(b) Collective Class who receive the Class Notice and Consent Form have thirty (30) calendar days to return the Consent Form to Class Counsel as identified on the Notice (the "Notice Period").
3. If any members of the Fed. R. Civ. P. 23 Class desire to opt-out of this matter, they must do so within the Notice Period via the procedures as identified on the Notice.
4. Any Rule 23 class member who does not exclude himself or herself from the Rule 23 settlement shall be bound by the court's order finally approving settlement.
5. Any member of the settlement classes who wishes to object in any way to the proposed settlement agreement may enter an appearance in the litigation at his or her own expense, individually or through counsel of choice. Any member of the settlement classes who does not enter an appearance or opt out of the settlement will be represented by class counsel.

The court has scheduled a fairness hearing for April 16, 2019 at 1:00 p.m., at which time the court will make its determination as to the final

approval of the settlement. Class counsel will make an application for reimbursement of reasonable attorneys' fees, costs and litigation expenses in an amount not to exceed \$35,000.00 no later than twenty-one (21) calendar days prior to the fairness hearing.

Dated in Milwaukee, Wisconsin this 17th day of January, 2019.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**